

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

JENNIFER BURBELLA,	:	
	:	
Plaintiff	:	CIVIL ACTION NO. 3:15-0871
	:	
v	:	
	:	(JUDGE MANNION)
MISERICORDIA UNIVERSITY, <i>et al.</i>	:	
	:	
Defendant		

ORDER

Presently before the court is the defendants' motion to partially dismiss the plaintiff's complaint, (Doc. [6](#)), along with a supporting brief. (Doc. [8](#)). The court has also received the plaintiff's "brief in opposition..." (Doc. [10](#)). Within the plaintiff's brief she requests to withdraw her Section 504 claims against the individual defendants, both in their individual and official capacities. The plaintiff has also requested to withdraw Counts II and III of her complaint.

IT IS HEREBY ORDERED that:

1. Counts II and III of the plaintiff's complaint are **WITHDRAWN**.
2. Defendants Thomas J. Botzman, Ph.D., Cynthia Mailloux, Ph.D., R.N. and Christina Tomkins are **DISMISSED** from this action, individually and in their official capacity.
3. The defendants motion to partially dismiss the plaintiff's

complaint (Doc. [6](#)) is therefore, **DISMISSED AS MOOT.**

s/ Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

Dated: July 28, 2015

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